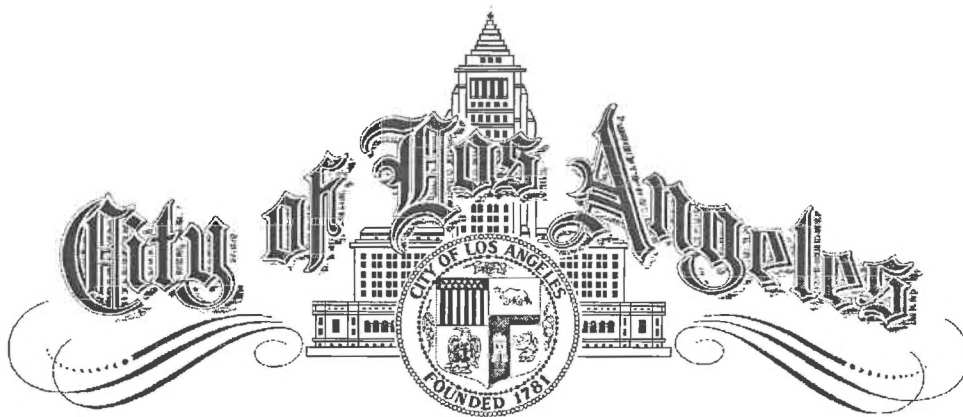




MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 8 - 0 0 3 7
FEB 0 1 2018

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 53.12(a), 53.12.2, 53.15.5, 53.21(c),
53.50 AND 53.69(a) OF ARTICLE 3, CHAPTER V OF THE LOS ANGELES
MUNICIPAL CODE TO REVISE VARIOUS FEES TO BE CHARGED AND
COLLECTED BY THE DEPARTMENT OF ANIMAL SERVICES AND ADD SEVERAL
TECHNICAL CHANGES TO SECTION 53.50**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 16-0043

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The ordinance would amend Sections 53.12(a), 53.12.2, 53.15.5, 53.21(c), 53.50 and 53.69(a) of the Los Angeles Municipal Code (LAMC) to revise and increase various fees charged and collected by the Department of Animal Services (Department).

In addition, the draft ordinance adjusts some of the fees for adoption, redemption and owner surrender, for trap rentals and for exhibition permits and other miscellaneous fees to recover costs incurred by the Department for animals adopted or redeemed from the shelters.

It should be noted that the Department has prepared a fee study which demonstrates that the increases in the proposed ordinance are necessary to recover the increased costs incurred by the Department.

Other fee adjustments in the Department's report, such as the costs associated with the daily care and feeding of dogs and cats, are not included in the ordinance because the Department has the authority to set those fees and costs. (LAMC Section 53.12(a).)

Where possible, certain fees have been reduced to encourage adoption, safe surrender and microchipping of animals.

Background and Summary of Ordinance Provisions

The fee tables in Sections 53.12(a) and 53.50(f) were last updated in 2010. The Department's November 18, 2016, and September 26, 2016, Board Reports updated the adoption, surrender and relinquishment fees in LAMC Section 53.12(a), as well as various permit fees in LAMC Section 53.50(f) and other miscellaneous fees.

1. Adoption and owner surrender/ relinquishment fees – LAMC Section 53.12(a)

The changes to LAMC Section 53.12(a) include establishing new adoption fee categories for kittens, puppies and exotic birds. The adoption fee for a kitten will be \$50.00 and the adoption fee for an adult cat will be reduced from \$76.00 to \$25.00. The adoption fee for a puppy (four months and under) will be \$150.00 compared to \$102.00 for an adult dog. The adoption fee for an exotic bird will be \$250.00. The \$17.00 adoption fee for a bird, including poultry, will remain the same. The \$71.00 adoption fee for a rabbit has not been increased, but the fee table in Section 53.12(a) now includes the sterilization and microchip costs.

There is no change to the adoption fee for a sheep, hog or other animal (including simian); the current fee of \$26.00 remains the same¹.

The proposed new discount cat adoption fee of \$12.50 and the New Hope adoption fee of \$25.00, on page 3 of the Fee Report table, are not included in the ordinance, as the General Manager has the authority pursuant to LAMC Section 53.11(o) to reduce any fees listed in LAMC Section 53.12(a) by 50 percent under certain circumstances.

¹ The \$23.00 fee noted in the November 18, 2016, Board Report was an error that has been corrected.

The relinquishment fee, also known as the owner surrender fee, is a fee paid to the Department by animal owners who wish to surrender the animal to the shelter. The fees for the surrender of most owned animals will be replaced by a request for donation. The relinquishment fee for a horse or other equine will remain the same, due to the level of care and expense required.

2. Impound fees for an unaltered dog or cat – LAMC Section 53.12.2

LAMC Section 53.12.2 imposes a civil penalty of \$35.00 to redeem an unaltered dog or cat. This \$35.00 fee for a first time redemption remains the same. The civil penalty for the second or third time an unaltered dog or cat is redeemed will be increased from \$50.00 to \$70.00 for the second occurrence and from \$100.00 to \$150.00 for the third occurrence.

3. Microchip implant – LAMC Section 53.15.5

The fee to implant a microchip in a dog, cat or rabbit at the request of a member of the public is being reduced from \$25.00 to \$15.00.

4. Replacement dog license – LAMC Section 53.21(c)

The fee for a replacement dog license is being increased from \$3.00 to \$5.00.

5. LAMC Section 53.50

In addition to the fee increases below, several technical changes have been made to Section 53.50. The first is changing the name of Section 53.50 from “**Kennels, etc.**” to “**Permits**” to more accurately reflect its contents.

The second technical change adds the phrase “unless issued for a shorter period of time in the manner set forth in this article,” to the second paragraph of Section 53.50(b), after the term “unless sooner revoked or suspended,” to provide the Department with greater flexibility in issuing permits.

Changes to Section 53.50(f) include the following fee increases: animal rental establishment from \$265.00 to \$290.00; film, TV or theatrical permits from \$300.00 to \$680.00; grooming parlor from \$160.00 to \$180.00; and zoos from \$185.00 to \$220.00.

Several technical changes also have been made to Section 53.50(f):

- Adding the phrase “or other section of this article” following the phrase “or as revised in the manner set forth in Subsection (a) of Section 53.12,” to recognize that sections other than 53.12 may impact the fee structure;

- Separating the term keeping “Keeping Wild Animals” in No. 7 from “Alligator Farms or Ostrich Farms,” and adding it as a new No. 16; and
- Separating the term “Animal Acts or Exhibitions” in No. 6, from “Pet Show, Dog Show,” and adding it as a new No. 17.

The fees for “Keeping Wild Animals” and the fees for “Animal Acts or Exhibitions” remain unchanged.

The Department also has added a new category of permit for any circus that requires a review by a veterinarian because of the type of animals on display. Until such time as circuses that incorporate the use of wild or exotic animals are banned, the fee for a circus requiring a veterinarian review will be \$8,600.00 inclusive of the cost of the veterinarian. A circus permit not requiring a veterinarian review will remain the same at \$4,000.

6. Miscellaneous fees/ trap rental – LAMC Section 53.69(a)

LAMC Section 53.69(a) is amended to increase the daily rental rate for small traps from \$3.00 to \$7.50 and for large traps from \$5.00 to \$15.00. Although the trap deposit rate is not listed in the LAMC, Section 53.69 allows the Department to charge and collect a security deposit as determined by the Department in addition to the daily rental fees. Historically, the Department has charged an amount ten times the daily rental rate as a trap deposit to protect against lost, damaged or stolen traps.

The Lien/Quarantine fees on page 6 of the Fee Report are not included in the ordinance and are provided by the Department for information only. The last paragraph of LAMC Section 53.12(a) allows the Department to charge for the reasonable cost of feeding and caring for animals held for other than adoption or redemption.

Fee Notice Requirement

We note that because this ordinance would effectuate increases in existing fees, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Dov S. Lesel at (213) 978-8154. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

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Transmittal